

Keela K. White, Esq. (6395)  
LEDY-GURREN, BASS & SIFF, LLP  
*Attorneys for Defendants*  
*Praxair Technology Inc. and Linde Gas & Equipment Inc.*  
7-11 South Broadway – Suite 206  
White Plains, New York 10601  
(212) 447-1111  
[Kwhite@lgb-law.com](mailto:Kwhite@lgb-law.com)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RACHEL AWOLOWO,

Plaintiff,

Docket No.

- against -

PRAXAIR TECHNOLOGY INC. AND LINDE GAS &  
EQUIPMENT INC.,

**NOTICE OF REMOVAL**

Defendants.  
-----X

**PLEASE TAKE NOTICE**, that upon the facts set forth herein and the exhibits annexed hereto, the Defendants, PRAXAIR TECHNOLOGY INC. and LINDE GAS & EQUIPMENT INC. (hereinafter “Defendants”), by and through its attorneys, LEDY-GURREN BASS & SIFF, L.L.P., has, pursuant to 28 U.S.C. §§1441 & 1446, removed this action to the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, on the 15<sup>th</sup> day of December, 2021, based on diversity of citizenship jurisdiction of the court under 28 U.S.C. §1332(a).

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to 28 U.S.C. §1446(d), the removal of this action is effective as of the date of the service and filing of this notice with the Clerk of Bronx County, that the New York State Supreme Court, Bronx County shall proceed no

further, and that all further proceedings for the claims asserted by the Plaintiff against the Defendants shall be presented to the United States District Court for the Southern District of New York, unless and until this action is remanded.

UPON the following facts set forth below and the exhibits annexed hereto, this case is properly removed to this court pursuant to 28 U.S.C. § 1441 because Defendants satisfied the procedural requirements for removal, and this court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332.

### **NATURE OF THE ACTION**

1. On or about October 22, 2021, Plaintiff, RACHEL AWOLOWO (hereinafter “Plaintiff”), commenced in the New York State Supreme Court, County of Bronx, an action seeking money damages for personal injuries allegedly sustained on May 9, 2020 as a result of the alleged negligence of Defendants. Annexed hereto as Exhibit “A” is a copy of the Plaintiff’s Summons and Verified Complaint dated October 22, 2021.

### **DEFENDANTS’ TIME TO JOIN ISSUE**

2. Defendants were served with process on November 16, 2021 via registered mail. Annexed as exhibit “B” is a copy of the registered mail envelope.

3. On December 3, 2021, Defendants appeared in the action by filing a Notice of Appearance by its attorneys with Bronx Supreme Court. Annexed as Exhibit “C” is a copy of the Notice of Appearance filed with the state court.

**CITIZENSHIP OF THE PARTIES**

4. The above-referenced action is one over which this Court has original jurisdiction under the provision of 28 U.S.C. §1332(a) as there is complete diversity of citizenship of the parties, and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs. Therefore, pursuant to 28 U.S.C. §1441(a), the entire case is one that may be removed to this Court.

5. Plaintiff is and was, at the time of filing her Complaint, a resident and citizen of the State of New York. (*See*, Ex. “A”, Complaint at ¶1).

6. Defendants are and were, at the time of filing of Plaintiff’s Complaint, Delaware corporations with principal places of business in Danbury, Connecticut. Annexed collectively hereto as Exhibit “D” are copies of Certificates of Incorporation setting forth such information.

7. Accordingly, pursuant to 28 U.S.C. §1332(a), complete diversity exists between the parties in this action since Plaintiff and Defendants are citizens of different states.

**AMOUNT IN CONTROVERSY**

8. On December 3, 2021, your affirmant contacted plaintiff’s attorney Frank Pelligrini to obtain the amount in controversy and additional facts about the case. According to Mr. Pelligrini, on May 9, 2020, Plaintiff was a nurse practitioner with Bronx Care Health Systems located at 1267 Fulton Avenue in Bronx County. While attending to a patient in the CPEP Unit on the 2<sup>nd</sup> Floor, Plaintiff alleges that an oxygen tank fell on her foot causing her to fall to the ground and sustain serious injuries. Thereafter she filed a workers compensation claim

that is still pending. Although no specific demand was made in the complaint, her workers compensation liens will, according to her lawyer, exceed \$300,000.

9. On December 3, 2021, I emailed Mr. Pelligrini summarizing our conversation and confirming plaintiff's demand will far exceed \$75,000 based on her workers compensation liens. Annexed hereto as Exhibit "E" is a copy of an email to plaintiff's attorney that there will be workers compensation liens of more than \$300,000. Plaintiff has not specifically disclosed what damages she will seek, but it will be more than \$75,000.

#### **TIMELINESS OF REMOVAL**

10. Defendants removal of this action is timely in that it has occurred within thirty (30) days from when Defendants ascertained on December 3, 2021, that the amount in controversy in this action exceeded the sum of Seventy-Five Thousand (\$75,000) Dollars, exclusive of interest and costs, as required by 28 U.S.C. §1332(a), and that the action was therefore removable based on diversity of citizenship.

11. The Verified Complaint, pursuant to New York State law, did not set forth the total amount of damages being claimed (*see*, Ex. "A", Complaint at ¶14) and the amount in controversy was unknown at the time of the complaint was served via registered mail upon Defendants.

12. Defendants first became aware that the total damages will exceed \$75,000 on December 3, 2021, based upon a conversation between your affirmant and plaintiff's attorney Frank Pelligrini, who confirmed Workers Compensation liens in excess of \$300,000.

13. On December 3, 2021, your affirmant emailed Mr. Pelligrini an email confirming Workers Compensation liens in excess of \$300,000. *See* copy of lien email annexed as Exhibit “E”.

14. Therefore, this removal is timely under 28 U.S.C. §1446 (b)(3) & (c)(3)(A) as it was filed within thirty (30) days of December 3, 2021 when Defendants ascertained that the action could be removed on the basis of diversity of citizenship (28 U.S.C. §1332 (a)).

### **VENUE**

15. Pursuant to 28 U.S.C. § 1391 (b) (2), this court is a proper venue for the action in that the Plaintiff alleges that a substantial part of the events or omissions giving rise to the claim occurred in Bronx County (*see*, Ex. “A”, Complaint at ¶¶ 4, 5, 6 and 9).

16. Pursuant to 28 U.S. Code §112(b) and [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov), the United States District Court for the Southern District of New York has jurisdiction over Bronx County cases.

### **COMPLIANCE WITH 28 U.S.C. § 1446 (a)**


17. That copies of all process, pleadings and orders served upon Defendants in the action have been attached to this petition of removal.

18. Pursuant to 28 U.S.C. § 1446 (d), Defendants will file a copy of this Notice of Removal with the Clerk of the Supreme Court of New York State, Bronx County, and will serve a copy of same on counsel for plaintiff.

18. Pursuant to 28 U.S.C. § 1446 (d), Defendants will file a copy of this Notice of Removal with the Clerk of the Supreme Court of New York State, Bronx County, and will serve a copy of same on counsel for plaintiff.

**WHEREFORE**, the Defendants PRAXAIR TECHNOLOGY INC. and LINDE GAS & EQUIPMENT INC. respectfully removes this action to this honorable court pursuant to 28 U.S.C. §§1441 & 1446 based on diversity of citizen jurisdiction, 28 U.S.C. §1332 (a), and asks that all further proceedings regarding the claims asserted by the Plaintiff against said Defendants be conducted before this court.

Dated: New York, New York  
December 15, 2021

Yours, etc.  
By:   
Keela K. White, Esq.  
LEDY-GURREN BASS & SIFF, L.L.P.  
Attorneys for Defendant PRAXAIR  
DISTRIBUTION, INC.  
7-11 South Broadway – Suite 208  
White Plains, New York 10601  
(212) 447-1111  
Our File No. 14.21433

TO: PELLEGRINI & ASSOCIATES LLC  
Attorneys for Plaintiff  
336 West 37<sup>th</sup> Street – Suite 970  
New York, New York 10018  
(212) 219-8312

Bronx County Clerk's Office  
851 Grand Concourse  
Bronx, New York 10451

# EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----x  
RACHEL AWOLOWO,

Plaintiff,

- against -

PRAXAIR TECHNOLOGY INC. and LINDE GAS &  
EQUIPMENT INC.

Defendant.  
-----x

Index No.:

814407/2021E  
Plaintiff designates Bronx  
County as the place of trial


**SUMMONS**

Basis of venue designated is  
Plaintiff's Residence

**TO THE ABOVE NAMED DEFENDANT:**

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons to serve a notice of an appearance on the plaintiffs' attorneys within twenty days after the service of this Summons, exclusive of the day of service (or within thirty days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: New York, New York  
October 22, 2021

  
FRANK L. PELLEGRINI  
PELLEGRINI & ASSOCIATES, LLC  
336 West 37<sup>th</sup> Street, Suite 970  
New York, New York 10018  
(212) 219-8312

**Defendant's Address:**

PRAXAIR TECHNOLOGY INC.  
10 Riverview Drive  
Danbury, CT 06810

LINDE GAS & EQUIPMENT INC.  
10 Riverview Drive  
Danbury, CT 06810



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
RACHEL AWOLOWO,

Plaintiff,

- against -

PRAXAIR TECHNOLOGY INC. and  
LINDE GAS & EQUIPMENT INC.,

Defendants.  
-----X

Index No.:

814407/2021E

**VERIFIED COMPLAINT**

Plaintiff, by her attorneys, PELLEGRINI & ASSOCIATES, LLC, upon information and belief, allege the following:

1. That at all times herein mentioned, Plaintiff, RACHEL AWOLOWO, was and still is a resident in the City and State of New York, County of Bronx.
2. That at all times herein mentioned, Defendant, PRAXAIR TECHNOLOGY INC., was and still is a domestic business corporation duly licensed and authorized to conduct business in the State of New York, and with its principal place of business at 10 Riverview Drive, Danbury, CT 06810.
3. That at all times herein mentioned, Defendant, LINDE GAS & EQUIPMENT INC., was and still is a domestic business corporation duly licensed and authorized to conduct business in the State of New York, and with its principal place of business at 10 Riverview Drive, Danbury, CT 06810.
4. Upon information and belief, at all the times herein mentioned, the Defendants, PRAXAIR TECHNOLOGY INC. and LINDE GAS & EQUIPMENT INC., owned, leased, maintained, operated and/or controlled the oxygen tanks and carts on the 2<sup>nd</sup> Floor at the CPEP unit at the Bronx Care Health System located at 1267 Fulton Avenue, in the County of Bronx, City and State of New York.

5. Upon information and belief, at all the times herein mentioned, the Defendants, PRAXAIR TECHNOLOGY INC. and LINDE GAS & EQUIPMENT INC., maintained, controlled, operated, and were responsible to keep in good repair the oxygen tanks and carts on the 2<sup>nd</sup> Floor at the CPEP unit at the Bronx Care Health System located at 1267 Fulton Avenue, in the County of Bronx, City and State of New York.

6. On or about the 9<sup>th</sup> day of May 2020, Plaintiff RACHEL AWOLOWO was lawfully on, about, and/or within the 2<sup>nd</sup> Floor at the CPEP unit at the Bronx Care Health System located at 1267 Fulton Avenue, in the County of Bronx, City and State of New York.

7. Upon information and belief, while the Plaintiff RACHEL AWOLOWO was attending a medical emergency on a patient, the oxygen tanks that was in close proximity fell out of its cart and crushed the plaintiff's foot. Upon impact on her foot, she was caused suddenly and without notice or warning to be thrown to the ground causing her serious and severe personal injuries.

8. Upon information and belief, said accident was caused by reason of the negligence, carelessness and/or recklessness of the Defendants, PRAXAIR TECHNOLOGY INC. and LINDE GAS & EQUIPMENT INC., its agents, affiliates, servants, and/or employees.

9. Upon information and belief, said negligence consisted of failing to provide a safe premise, including but not limited to:

(a) The Defendant(s) its servants, agents, and/or employees caused, permitted, and/or allowed the oxygen tanks and carts on the 2<sup>nd</sup> Floor at the CPEP unit at the Bronx Care Health System located at 1267 Fulton Avenue, in the County of

Bronx, City and State of New York to be maintained and/or operated in an unreasonably inadequate and unsafe manner.

(b) The Defendant(s) its servants, agents, and/or employees allowed a dangerous and defective condition to exist on said oxygen tank and cart in an area where use by the Plaintiff was foreseeable.

(c) The Defendant(s) its servants, agents, and/or employees failed and neglected to cause said oxygen tank and cart to be maintained in a suitable manner so as to preclude the possibility or even likelihood of its causing to strike upon limb and/or person and fall, more particularly the Plaintiff, RACHEL AWOLOWO.

(d) That the Defendant(s) its servants, agents, and/or employees otherwise failed to take those steps and to do those things which were reasonably necessary and proper under the circumstances then and there prevailing to avoid an accident and to protect the safety of the life and limbs of the Plaintiff, RACHEL AWOLOWO.

(e) The Defendant(s), its servants, agents, and/or employees was negligent, careless and/or reckless in failing to inspect for and/or to remove said dangerous and defective condition despite having adequate time to do so and in failing to take other suitable precautions or to give adequate warning or notice of said condition;

(f) Defendant(s) otherwise failed to take those steps and to do those things which were reasonably necessary and proper under the circumstances then and there prevailing to avoid an accident and to protect the safety of the life and limbs of the Plaintiff, RACHEL AWOLOWO, thereby causing plaintiff to be struck by a falling tank, and to be otherwise violently propelled to the ground, where the plaintiff sustained serious, severe, and permanent personal injuries;

10. The Defendant's negligence, carelessness, and/or recklessness was a substantial factor in causing Plaintiff RACHEL AWOLOWO to be struck by a falling tank, and to be violently and unexpectedly propelled to the ground where she sustained serious, severe, and permanent personal injuries.

11. That the defendants had actual and/or constructive notice of said dangerous condition and/or affirmatively created the condition.

12. That the Plaintiff, RACHEL AWOLOWO, may seek to rely on the theory of *res ipsa loquitur* at time of trial

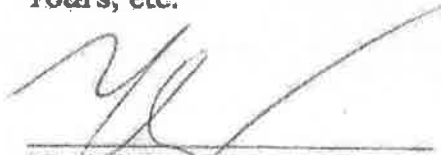
13. That the accident and the injuries resulting to the Plaintiff, RACHEL AWOLOWO was caused by the negligence, carelessness, and/or recklessness of the defendants.

14. By reason of the accident and the negligence, carelessness, and/or recklessness of the defendants, Plaintiff RACHEL AWOLOWO, was severely and seriously injured; suffered and will continue to suffer pain and injury; has become sick, sore, lame, and disabled and, on information and belief, will be permanently injured; that she has been compelled to spend sums of money and incur liability for medical care and treatment and, upon information and belief, will be required to spend and incur liability therefore in the future; has lost and will lose in the future; all to her damage to be determined by the trier of facts.

**WHEREFORE**, Plaintiff RACHEL AWOLOWO demands judgment against the Defendants in the First Cause of Action in a sum to be determined at trial together with the costs and disbursements of this action.

Dated: New York, New York  
October 22, 2021

Yours, etc.



FRANK L. PELLEGRINI  
PELLEGRINI & ASSOCIATES, LLC  
336 West 37<sup>th</sup> Street, Suite 970  
New York, New York 10018  
(212) 219-8312

**VERIFICATION**

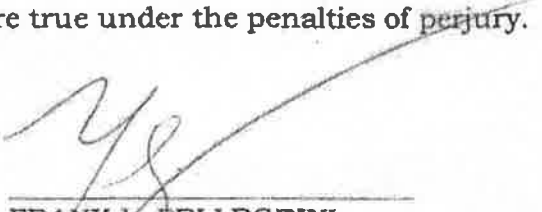
I, the undersigned, am an attorney duly admitted to practice law in the Courts of the State of New York, and mindful of the penalties of perjury, affirm the following:

I am a member of the firm of the attorneys of record for the plaintiff, RACHEL AWOLOWO. I have read the annexed Summons and Complaint, know the contents thereof, and know the same to be true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters therein not stated upon personal knowledge, are stated upon information and belief based upon documents and information in counsel's file.

The reason I make this Verification instead of the plaintiff is that the individual plaintiff does not reside in the county where this law firm maintains its office.

I affirm that the foregoing statements are true under the penalties of perjury.

Dated: New York, New York  
October 22, 2021



---

FRANK L. PELLEGRINI  
PELLEGRINI & ASSOCIATES, LLC  
336 West 37<sup>th</sup> Street, Suite 970  
New York, New York 10018  
(212) 219-8312

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.:

814407/2021E

RACHEL AWOLOWO,

Plaintiff,

- against -

PRAXAIR TECHNOLOGY INC. and LINDE GAS & EQUIPMENT INC.

Defendants.

SUMMONS and VERIFIED COMPLAINT

PELLEGRINI & ASSOCIATES, LLC  
Attorney for the Plaintiff  
336 West 37<sup>th</sup> Street, Suite 970  
New York, New York 10018  
(212)-219-8312

Signature (Rule 130-1.1-a)

Frank Pellegrini, Esq.



# EXHIBIT B

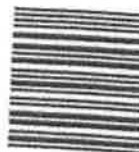


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299 Broadway  
Suite 720  
New York, NY 10007



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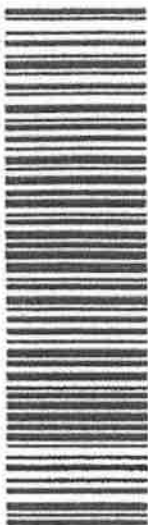


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PSN 7050 03 000 0011

PRAXAIR TECHNOLOGY INC.  
10 RIVERVIEW DRIVE  
DANBURY, CT 06810

PERSONAL AND CONFIDENTIAL

# EXHIBIT C

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
RACHEL AWOLOWO,

Plaintiff,

Index No. 814407/21E

- against -

PRAXAIR TECHNOLOGY INC. AND LINDE GAS &  
EQUIPMENT INC.,

**NOTICE OF  
APPEARANCE**

Defendants.  
-----X

**PLEASE TAKE NOTICE**, that defendants PRAXAIR TECHNOLOGY INC. AND LINDE GAS & EQUIPMENT INC. will be appearing in this action through its attorneys LEDY-GURREN, BASS & SIFF, LLP, located at 7-11 South Broadway, Suite 208, White Plains, New York 10601; and

**PLEASE TAKE FURTHER NOTICE**, that all papers, Notices and Orders regarding the proceedings in this action, which otherwise would be required to be served upon said Defendants or have been served prior to the date of this notice, are to be served upon the offices of the undersigned. Please direct all correspondence intended for said Defendants to the offices of the undersigned.

Dated: New York, New York  
December 3, 2021

Yours, etc.,

LEDY-GURREN/BASS & SIFF, L.L.P.

By: 

Keela K. White, Esq.

Attorneys for Defendants

PRAXAIR TECHNOLOGY INC. AND LINDE GAS &  
EQUIPMENT INC.

7-11 South Broadway - Suite 208

White Plains, New York 10601

(212) 447-1828

Our File No. 14.21433

**TO: PELLEGRINI & ASSOCIATES LLC**  
**Attorneys for Plaintiff**  
**336 West 37<sup>th</sup> Street - Suite 970**  
**New York, New York 10018**  
**(212) 219-8312**

NYSCEF DOC. NO. 2

RECEIVED NYSCEF: 12/03/2021

Index No. 814407/21

Our File No. 14.21333

SUPREME COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

RACHEL AWOLOWO,

*Plaintiff,*

*- against -*

PRAXAIR TECHNOLOGY INC. AND LINDE GAS & EQUIPMENT INC.,

*Defendants.*

**NOTICE OF APPEARANCE**

**LEDY-GURREN BASS & SIFF, L.L.P.**

Attorneys for Defendants PRAXAIR TECHNOLOGY INC. AND LINDE GAS & EQUIPMENT INC.

7-11 South Broadway - Suite 208

White Plains, New York 10601

Telephone (212) 447-1111

Facsimile (212) 447-0395

Service of a copy of the within

is hereby admitted.

Dated:

Attorneys for

S I R S:

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY:

☐ NOTICE OF SETTLEMENT:

that an order, of which the within is a true copy, will be presented for settlement to the Hon.  
, one of the judges of the within-named court, at , on

Dated: New York, New York  
December 3, 2021

Yours, etc.,

**LEDY-GURREN BASS & SIFF, L.L.P.**

Attorneys for Defendants PRAXAIR TECHNOLOGY INC. AND  
LINDE GAS & EQUIPMENT INC.

7-11 South Broadway - Suite 208

White Plains, New York 10606

(212) 447-1111

TO: PELLEGRINI & ASSOCIATES LLC  
Attorneys for Plaintiff  
336 West 37<sup>th</sup> Street - Suite 970  
New York, New York 10018  
(212) 219-8312

# EXHIBIT D

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"LINDE GAS NORTH AMERICA LLC", A DELAWARE LIMITED LIABILITY COMPANY,

WITH AND INTO "PRAXAIR DISTRIBUTION, INC." UNDER THE NAME OF "LINDE GAS & EQUIPMENT INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE ON THE FOURTH DAY OF OCTOBER, A.D. 2021, AT 11:40 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE ELEVENTH DAY OF OCTOBER, A.D. 2021 AT 12:01 O'CLOCK A.M.

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

712918 8100M  
SR# 20213414682

Authentication: 204317755  
Date: 10-04-21

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 11:40 AM 10/04/2021  
FILED 11:40 AM 10/04/2021  
SR 20213414682 - File Number 712918

CERTIFICATE OF OWNERSHIP AND MERGER

OF

LINDE GAS NORTH AMERICA LLC  
(a Delaware limited liability company)

AND

PRAXAIR DISTRIBUTION, INC.  
(a Delaware corporation)

(Pursuant to Section 253 of the General Corporation Law of Delaware)

Pursuant to Section 253 of the Delaware General Corporation Law, the undersigned corporation, organized and existing under and by virtue of the General Corporation Law of the State of Delaware, does hereby certify:

FIRST. The parent company's name is Praxair Distribution, Inc., a Delaware corporation (the "Parent"), and is the surviving corporation, and the name of the subsidiary company being merged into the Parent is Linde Gas North America LLC, a Delaware limited liability company (the "Subsidiary").

SECOND. The Parent owns 100% of the outstanding membership interests of the Subsidiary.

THIRD. A resolution approving the merger of the Subsidiary with and into the Parent was approved by the Board of Directors of the surviving corporation on October 1, 2021, in the form attached to this certificate as Exhibit A.

FOURTH. The name of the Parent shall be amended upon the effectiveness of the merger to be "Linde Gas & Equipment Inc." and an amendment to the Certificate of Incorporation will be filed with the Office of the Secretary of State for the State of Delaware with respect to such name change.

FIFTH. The Certificate of Incorporation of the surviving corporation as amended shall be the surviving corporation's Certificate of Incorporation.

SIXTH. The Agreement and Plan of Merger referred to in the resolution set forth in Exhibit A is on file at 10 Riverview Drive, Danbury, CT 06810, an office of the Parent.

SEVENTH. The merger is to become effective at 12:01 a.m., Eastern Daylight Savings Time, on October 11, 2021.



**EIGHTH.** A copy of the Agreement and Plan of Merger will be furnished by the surviving corporation on request, without cost, to any stockholder of the constituent entities.

IN WITNESS WHEREOF, said surviving corporation has caused this certificate to be signed by an authorized officer, the 1st day of October 2021.

PRAXAIR DISTRIBUTION, INC.

*Benjamin Glazer*

By Benjamin Glazer (Oct 4, 2021 08:39 EDT)

Name: Benjamin Glazer

Title: President

**EXHIBIT A**

**RESOLVED:** That (i) approval is hereby given for the merger of Linde Gas North America LLC, a Delaware limited liability company ("LGNA"), with and into Praxair Distribution, Inc. (the "Corporation"), a Delaware corporation, in accordance with the terms and conditions of the Agreement and Plan of Merger attached hereto as Exhibit A, whereby the Corporation shall be the surviving corporation; (ii) the Agreement and Plan of Merger attached as Exhibit A is hereby adopted and approved; and (iii) upon effect of the merger, the Corporation's name shall be "Linde Gas & Equipment Inc." (the "Name Change") and in connection therewith, an Amendment to the Certificate of Incorporation of the Corporation will be filed to amend the first Article thereof so that, as amended, said Article shall be and read as follows: "The name of the corporation is Linde Gas & Equipment Inc."

PAGE 1

State of Delaware



## Office of Secretary of State

I, MICHAEL RATCHFORD, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF UNION CARBIDE INDUSTRIAL GASES TECHNOLOGY CORPORATION FILED IN THIS OFFICE ON THE TWELFTH DAY OF JUNE, A.D. 1992, AT 4:30 O'CLOCK P.M.

\* \* \* \* \*



122164181

A handwritten signature in cursive script, reading "Michael Ratchford".

Michael Ratchford, Secretary of State

AUTHENTICATION:

1484177

DATE:

06/15/1992

CERTIFICATE OF AMENDMENT

OF

CERTIFICATE OF INCORPORATION

OF

UNION CARBIDE INDUSTRIAL GASES TECHNOLOGY CORPORATION

UNION CARBIDE INDUSTRIAL GASES TECHNOLOGY CORPORATION, a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said corporation, by the unanimous written consent of its members, filed with the minutes of the Board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED: That the Certificate of Incorporation of Union Carbide Industrial Gases Technology Corporation be amended by changing the first Article thereof so that, as amended, said Article shall be and read as follows: "The name of the corporation is Praxair Technology, Inc."

SECOND: That in lieu of a meeting and vote of stockholders, the stockholders have given unanimous written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 and 228 of the General Corporation Law of the State of Delaware.

SENT BY: UC LAW DEPT

; 8-12-92 ; 18:48 ;

DANBURY CT→

302 855 1478;# 3

IN WITNESS WHEREOF, said Union Carbide Industrial Gases Technology Corporation has caused this certificate to be signed by W. J. Fields, its Vice President and attested to by J. Macdonald, its Secretary this 11th day of June, 1992.

UNION CARBIDE INDUSTRIAL  
GASES TECHNOLOGY CORPORATION

By W. J. Fields  
W. J. Fields  
Its Vice President

ATTEST:

By J. Macdonald  
J. Macdonald  
Its Secretary

State of Delaware



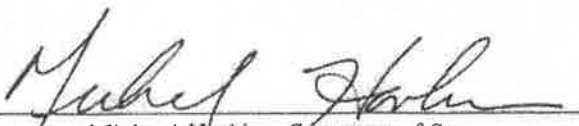
## Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF UNION CARBIDE INDUSTRIAL GASES TECHNOLOGY CORPORATION FILED IN THIS OFFICE ON THE TWENTY FIRST DAY OF NOVEMBER, A.D. 1988, AT 10 O'CLOCK A.M.

1 1 1 1 1 1 1 1 1 1



720326005

  
Michael Harkins, Secretary of State

AUTHENTICATION:

11942866

DATE:

11/21/1988

DTN 4002g 11/17/88

CERTIFICATE OF INCORPORATION

of

UNION CARBIDE INDUSTRIAL GASES TECHNOLOGY CORPORATION.

1. The name of the corporation is Union Carbide Industrial Gases Technology Corporation.
2. The address of its registered office in the State of Delaware is No. 1209 Orange Street, in the City of Wilmington, County of New Castle. The name of the registered agent at such address is The Corporation Trust Company.
3. The nature of the business or purposes to be conducted or promoted is to maintain and manage the intangible investments of the corporation, which shall include without limitation investments in stocks, bonds, notes and other debt obligations (including debt obligations of affiliated corporations), patents, patent applications, trademarks, trade names and similar types of intangible assets; and to collect and distribute the income from such investments. The activities of the corporation are to be confined to those permitted by Section 1902(b)(8) of Title 30 of the Delaware Code and they may not be conducted outside of the State of Delaware.

4. The total number of shares of common stock which the corporation shall have authority to issue is one thousand (1000) shares, with a par value of One United States Dollar (U.S. \$1.00) each, amounting in the aggregate to One Thousand United States Dollars (U.S. \$1,000.00).

5. The name and mailing address of the sole incorporator is as follows:

<u>NAME</u>	<u>MAILING ADDRESS</u>
Douglas T. Nelson	Union Carbide Corporation E3-278 39 Old Ridgebury Road Danbury, Connecticut 06817

6. The corporation is to have perpetual existence.

7. In furtherance and not in limitation of the powers conferred by statute, the board of directors is expressly authorized:

To make, alter or repeal the by-laws of the corporation.

To authorize and cause to be executed mortgages and liens upon the real and personal property of the corporation.

To set apart out of any of the funds of the corporation available for dividends a reserve or reserves for any proper purpose and to abolish any such reserve in the manner in which it was created.

When and as authorized by the stockholders in accordance with statute, to sell, lease or exchange all or substantially



all of the property and assets of the corporation, including its good will and its corporate franchises, upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property including shares of stock in, and/or other securities of, any other corporation or corporations, as its board of directors shall deem expedient and for the best interests of the corporation.

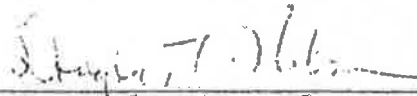
8. Elections of directors need not be by written ballot unless the by-laws of the corporation shall so provide.

Meetings of the stockholders are to be held within the State of Delaware. The books of the corporation are to be kept (subject to any provision contained in the statutes) within the State of Delaware at such place or places as may be designated from time to time by the board of directors or in the by-laws of the corporation.

9. The corporation reserves the right to amend, alter, change or repeal any provision contained in this certificate of incorporation, in the manner now or hereafter prescribed by statute, and all rights conferred upon stockholders herein are granted subject to this reservation.

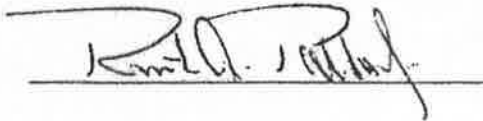
I, THE UNDERSIGNED, being the sole incorporator hereinbefore named, for the purpose of forming a corporation pursuant to the General Corporation Law of the State of Delaware, do make this

certificate, hereby declaring and certifying that this is my  
act and deed, and that the facts herein stated are true, and  
accordingly have hereunto set my hand this 17th day of  
November, 1988.



Douglas T. Nelson

In the presence of:



# EXHIBIT E

**Keela White**

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**From:** Keela White <kwhite@lgb-law.com>  
**Sent:** Friday, December 3, 2021 9:53 AM  
**To:** f\_pellegrini@msn.com  
**Subject:** Rachel Awolowo v. Praxair Technology, Inc., et al. - Our File No: 14.21433

Hello Frank. Great speaking with you. As per our conversation, we will likely be representing both defendants in the above-referenced action. Based upon the summons and complaint, Ms. Awolowo, was injured on May 9, 2020, on the 2<sup>nd</sup> floor in the CPEP unit at Bronx Care Health System located at 1267 Fulton Avenue in Bronx County. She was injured when an oxygen tank in close proximity fell out of its cart and crushed her foot causing her to be thrown to the ground. During our conversation, you confirmed that plaintiff is a nurse practitioner and a Bronx Care Health System employee. She sustained injuries to her left foot, knees, neck and back and has undergone a left foot arthroscopy. There is currently a pending Workers Compensation claim with liens that will likely be over \$300,000.

I look forward to speaking with you as this matter proceeds. Please confirm receipt of this email at your earliest convenience.

Regards,

**KEELA K. WHITE**  
**Partner**  
LEDY-GURREN BASS & SIFF L.L.P  
7-11 South Broadway – Suite 208  
White Plains, New York 10601  
Tel/Fax: (212) 447-1828  
[kwhite@lgb-law.com](mailto:kwhite@lgb-law.com)

***LEDY-GURREN BASS & SIFF, L.L.P.***

Docket No.

Our File No. 14.21433

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RACHEL AWOLOWO,

Plaintiff,

- against -

PRAXAIR TECHNOLOGY INC. AND LINDE GAS &  
EQUIPMENT INC.,

Defendants.

***NOTICE OF REMOVAL***

**LEDY-GURREN BASS & SIFF, L.L.P.**

Attorneys for Defendants  
7-11 South Broadway, Suite 208  
White Plains, New York 10601  
Telephone (212) 447-1111

Service of a copy of the within

is hereby admitted.

Dated:

Attorneys for

*S I R S :*

*PLEASE TAKE NOTICE:*

☐ NOTICE OF ENTRY:

that the within is a copy of an duly entered in the Office of the Clerk of the within-named court on 20

☐ NOTICE OF SETTLEMENT:

that an order, of which the within is a true copy, will be presented for settlement to the Hon. , one of the judges of the within-named court, at , on

Dated: White Plains, New York

Yours, etc.,

**LEDY-GURREN BASS & SIFF, L.L.P.**

Attorneys for Defendants  
7-11 South Broadway, Suite 208  
White Plains New York 10601  
(212) 447-1111

TO: PELLEGRINI & ASSOCIATES LLC  
Attorneys for Plaintiff  
336 West 37<sup>th</sup> Street – Suite 970  
New York, New York 10018